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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/159,775 09/24/98 KATO

H 35,62254

EXAMINER

005514 MMC1/0907
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

BROWN, K
ART UNIT

PAPER NUMBER

2851
DATE MAILED:

09/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/159,775

Applicant(s)

Hideo Kato

Examiner

Khaled Brown

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 4, 10, 14, 20, 21, 32 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11-13, 15-19, 22-25, 27-31 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Claim Objections

Claims 4,10,14,20,21,26,32 and 33 are still objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5,6,16,27,28 are still rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The elements noted in the claims are not equivalents of one another. For example, the diaphragm and the lens barrel of claim 5 and the lens, mirror or prism of claim 6 are not equivalents. Therefore, rendering the claims indefinite.

As best the examiner is able to ascertain the meaning of the claims the following rejections are made.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

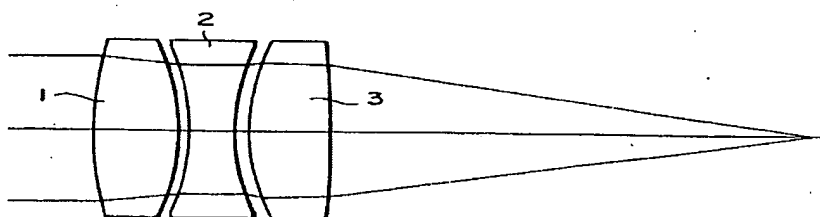
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

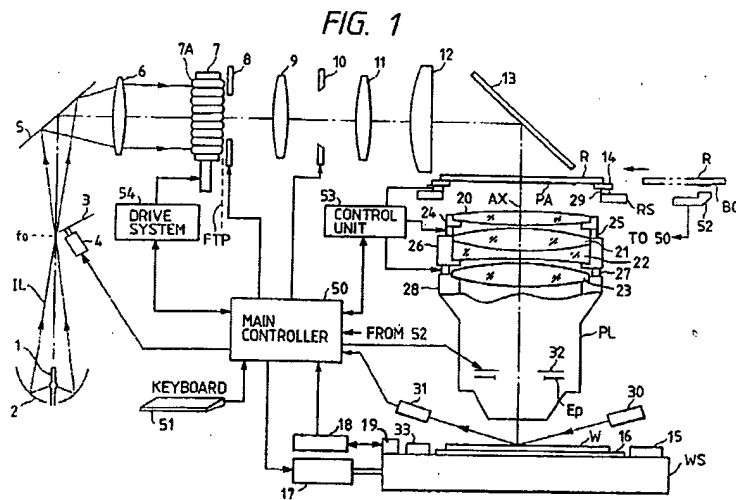
Claims 1,2, 5-9, 11-13, 15-19,22,23,24,27-31,34 are still rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al in view of Taniguchi.

Re Clms 1,2,5-9,11,12,15-19,22,23,24,27-31,34:Yamada et al discloses a lens on which a titanium oxide film is provided (Yamada et al Fig 1) for use in reduction projection aligner systems such as excimer laser reduction projection aligners. However, Yamanda et al does not disclose the claimed structure of the aligner system.

Taniguchi discloses an illuminator for illuminating an object with a luminous flux emitted from a light source, the illuminator comprising: an illumination system through which the luminous flux is projected onto the object (Taniguchi Fig 1). Therefore, it would have been obvious to a person of ordinary skill in the projection art at the time the invention was made to place the titanium coated lens of Yamada et al in the aligner system of Taniguchi because it improves performance of the aligner system as suggested by Yamada et al (Yamada et al Col 1).

F I G. 1

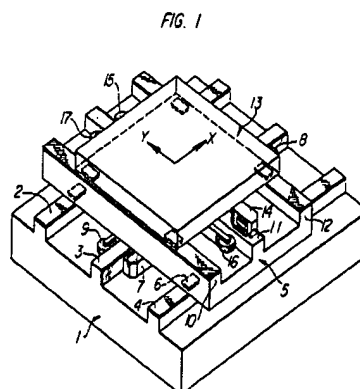




Claims 3,13,25 are still rejected under 35 U.S.C. 103(a) as being unpatentable over Moriyama et al in view of Taniguchi.

Re Clms 3,13,25: Taniguchi discloses a projection aligner system (Taniguchi Fig 1). However, Taniguchi does not disclose a supporting unit in a projection aligner system being coated with titanium.

Moriyama et al discloses a supporting unit coated with titanium for use in a projection aligner system. Therefore, it would have been obvious to a person of ordinary skill in the projection art at the time the invention was made to substitute the supporting unit coated with titanium of Moriyama et al in the projection aligner of Taniguchi because it improves performance of the aligner.



Response to Arguments

Applicant's arguments filed 7-28-00 have been fully considered but they are not persuasive. With regard to the objection to claims 4,10,14,20,21,26,32, and 33 the examiner maintains the position that the claims are not written in alternative form and agrees with applicants remarks in the amendment filed 7-28-00 on p.2, last line, that the use of the word "or" in place of the word "and" would put the claims in alternative form as disclosed in the MPEP 608.01(n) . With regard to the rejection of claims 5,6,16,27, and 28 under 35 USC 112, second paragraph, the rejection is maintained because the claims are too vague to determine how they further limit the independent claims they depend from. With regard to the rejection of claims 1,2,5-9,11-13, 15-19,22-24,27-31, and 34 under 35 USC 103 as being unpatentable over Yamada et al in view of Taniguchi the applicant argues that Yamada et al does not disclose titanium on a lens. The examiner directs the applicant to review Yamada et al column 1, line 54 which discloses that titanium on a lens was old and well known in the art. The amount of titanium is a moot argument given the fact that the applicant does not claim a particular amount. With regard to the rejection of claims 3,13, and 25 the applicant argues that the Moriyama et al reference does not disclose the claimed invention . However, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

For any other arguments see the above rejections .

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Imai et al 5885735, Kyogoku et al 5140464, Ceglio et al 5691541, Hashimoto 5786114, Zhao et al 5966613, Urino 4991937, Hohenegger et al 5751474.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khaled Brown whose telephone number is 703-306-5738. The examiner can normally be reached on M-F 8:30am-5pm.

Art Unit: 2851

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell E. Adams can be reached on 703-308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

KB
September 4, 2000


Russell Adams
Primary Examiner